



General Assembly

February Session, 2004

***Raised Bill No. 5443***

LCO No. 1365

\*01365\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE DIVISION OF CRIMINAL JUSTICE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 7-294m of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective July 1, 2004*):

3       (1) The Police Officer Standards and Training Council established  
4       under section 7-294b, in conjunction with the office of the Chief State's  
5       Attorney and the Connecticut Police Chiefs Association, and (2) the  
6       Division of State Police within the Department of Public Safety, in  
7       conjunction with the office of the Chief State's Attorney, shall provide  
8       instruction on the subject of new legal developments which affect  
9       police policies and practices concerning the investigation, detection  
10      and prosecution of criminal matters, each year to the chief law  
11      enforcement officer of each municipality and any person designated by  
12      [him] such officer to serve in such capacity in [his] such officer's  
13      absence. Each such officer may be given credit for such course of  
14      instruction toward the certified review training required by subsection  
15      (a) of section 7-294d, as amended. Such training program shall be  
16      named "The John M. Bailey Seminar on New Legal Developments  
17      Impacting Police Policies and Practices".

18       Sec. 2. Subsection (c) of section 54-33a of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective*  
20 *October 1, 2004*):

21       (c) A warrant may issue only on affidavit sworn to by the  
22 complainant or complainants before the judge or judge trial referee  
23 and establishing the grounds for issuing the warrant, which affidavit  
24 shall be part of the arrest file. If the judge or judge trial referee is  
25 satisfied that grounds for the application exist or that there is probable  
26 cause to believe that they exist, the judge or judge trial referee shall  
27 issue a warrant identifying the property and naming or describing the  
28 person, place or thing to be searched. The warrant shall be directed to  
29 any police officer of a regularly organized police department or any  
30 state [policeman] police officer, to an inspector in the Division of  
31 Criminal Justice or to a conservation officer, special conservation  
32 officer or patrolman acting pursuant to section 26-6, as amended. The  
33 warrant shall state the date and time of its issuance and the grounds or  
34 probable cause for its issuance and shall command the officer to search  
35 within a reasonable time the person, place or thing named, for the  
36 property specified. The inadvertent failure of the issuing judge or  
37 judge trial referee to state on the warrant the time of its issuance shall  
38 not in and of itself invalidate the warrant.

39       Sec. 3. Section 51-193u of the general statutes is repealed and the  
40 following is substituted in lieu thereof (*Effective October 1, 2004*):

41       (a) Cases involving motor vehicle violations, excluding alleged  
42 violations of sections 14-215, as amended, 14-222, 14-222a, 14-224 and  
43 14-227a, as amended, and any other motor vehicle violation involving  
44 a possible term of imprisonment, or any violation, as defined in section  
45 53a-27, which are scheduled for the entering of a plea may be handled  
46 by a magistrate.

47       (b) Infractions and violations designated in subsection (a) of this  
48 section in which a plea of not guilty has been entered may be heard by  
49 a magistrate. Magistrates shall not have the authority to conduct jury

50 trials.

51 (c) Magistrates shall have the authority to accept pleas of guilty or of  
 52 not guilty, to accept pleas of nolo contendere and enter findings of  
 53 guilty thereon, to impose fines, to set bonds, to forfeit bonds, to  
 54 continue cases to a date certain, to enter nolles brought by the  
 55 prosecutorial official, to recommend suspension under section 14-111b,  
 56 14-140 or 15-154, as amended, to order notices of intention to suspend  
 57 motor vehicle licenses and registrations, to order issuance of a  
 58 mittimus if a defendant has been found able to pay and fails to pay, to  
 59 remit fines, to impose or waive fees and costs, to hear and decide  
 60 motions, to dismiss cases and to decide cases that are tried before him.

61 (d) A decision of the magistrate, including any penalty imposed,  
 62 shall become a judgment of the court. [if no demand for a trial de novo  
 63 is filed. Such decision of the magistrate shall become null and void if a  
 64 timely demand for a trial de novo is filed. A demand for a trial de novo  
 65 shall be filed with the court clerk within five days of the date the  
 66 decision was rendered by the magistrate and, if filed by the  
 67 prosecutorial official, it shall include a certification that a copy thereof  
 68 has been served on the defendant or his attorney, in accordance with  
 69 the rules of court. No record of the proceedings shall be required to be  
 70 kept.]

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|--|------------------------|
| This act shall take effect as follows: |                        |
| Section 1                              | <i>July 1, 2004</i>    |
| Sec. 2                                 | <i>October 1, 2004</i> |
| Sec. 3                                 | <i>October 1, 2004</i> |

**Statement of Purpose:**

To name a police training program after the former Chief State's Attorney, the late John M. Bailey, to authorize inspectors in the Division of Criminal Justice to serve search warrants and to eliminate the right to a trial de novo before a judge after an attorney magistrate makes a decision in a case involving an infraction or violation.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*